

IN THE UNITED STATES DISTRICT COURT OF THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JACQUELINE PORTER AND
WILLIAM PORTER,

Plaintiffs,

v.

KEITH D. PATERSON; TRAVELERS
INDEMNITY INSURANCE COMPANY;
et al.,

Defendants.

*
*
*
*
*
*
*
*
*
*
*

Case No. 3:06cv373-SRW

REPORT OF DISCOVERY PLANNING MEETING

1. Pursuant to the *Federal Rules of Civil Procedure* 26(f), a telephonic meeting was held on June 2, 2006. The following attorneys have conferred regarding proposed deadlines in this case and submit the following joint report:

Douglas J. Fees for Plaintiffs;

S. Allen Martin, Jr. for Defendant Keith D. Patterson; and

Paige H. Sykes for Defendant The Travelers Indemnity Company of America.

2. Pre-Discovery Disclosures

The parties will exchange **within 30 days of June 2, 2006** their initial disclosures required by *Federal Rule of Civil Procedure* 26(a)(1), which shall include the following:

(a) The name and, if known, the address and telephone number of each individual believed by them to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information;

(b) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claim or defenses, unless solely for impeachment;

(c) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and

(d) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

3. Discovery Plan

The parties jointly propose to the Court the following discovery plan:

- Discovery will be needed on the following subjects:

Details of the accident and experts, if any.

- All discovery shall be completed on or before **60 DAYS PRIOR TO THE PRETRIAL HEARING**, except that, as to any witnesses whose names are not revealed with sufficient time for the other parties to take a deposition prior to the pretrial conference, the opposing party shall have the time extended in this paragraph to allow for deposing such witnesses.

- Maximum of 30 Interrogatories, including sub-parts, by each party to any other party.

The Answers are due 30 days after service.

- Maximum of 30 Requests for Admission by each party to any other party. The Responses are due 30 days after service.

- Maximum of 5 depositions by the Plaintiff and 5 by the Defendant.

- Each deposition is limited to a maximum of 8 hours unless extended by agreement of parties.

- Reports from retained experts under Rule 26(a)(2) due:

from Plaintiffs at least 75 days prior to the pretrial hearing.

from Defendants at least 45 days prior to the pretrial hearing.

Supplementations under Rule 26(3) shall be made **21 days after obtaining said information and no later than 30 days before trial.**

4. Other Items.

- The parties **do not** request a conference with the Court before entry of the Scheduling Order.

- The parties request a pretrial conference approximately **45 days** before the trial date.

- The Plaintiff should be allowed until **30 days after discovery is complete** to join additional parties and amend the pleadings.

- The Defendant should be allowed until **30 days after discovery is complete** to join additional parties and amend the pleadings.

- All potentially dispositive motions should be filed **90 days before the pretrial hearing.**

- Settlement cannot be evaluated prior to the end of discovery.

- Final lists of witnesses and exhibits under Rule 26(a)(3) for the parties should be due no later than **21 DAYS PRIOR TO THE TRIAL.**

- Parties should have **7 days** after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

- The case should be ready for trial in Montgomery, Alabama during the **June 4, 2007** term of Court.

This 6th day of June, 2006.

By: 

Douglas J. Fees (FEE001)
The Cochran Firm
P.O. Box 508
Huntsville, Alabama 35804
(256) 536-1199
Attorney for Plaintiffs
DFees@CochranFirm.com

By: 

Paige H. Sykes (HUD016)
Rogers & Associates
3000 Riverchase Galleria
Suite 650
Birmingham, AL 35244
(205) 982-4635
Attorney for Defendant The Travelers Indemnity
Company of America
PSYKES@stpaultravelers.com

By: 

Stanley A. Martin (MAR049)
S. Allen Martin, Jr. (MAR149)
Post Office Box 2526
Opelika, Alabama 36803-2526
(334) 749-4142
Attorneys for Defendant Keith D. Patterson
amartin@stanmartinlaw.com
smartin@stanmartinlaw.com